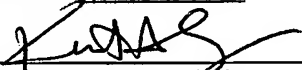




Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 13, 2004.


Kurt A. Summe, Reg. No. 36,023

4/13/04
Date

PATENT
ATTY. DOCKET NO: MELV-27US/119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David Boyd Melvin	Art Unit:	3738
Serial No.	10/667,877	Examiner:	
Filed:	September 23, 2003	Conf. No.:	1155
Title:	BASAL MOUNTING CUSHION FRAME COMPONENT TO FACILITATE EXTRINSIC HEART WALL ACTUATION		

Cincinnati, Ohio

April 13, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §§1.97 and 1.98, the references listed on the attached Forms PTO-1449 (8 pages) are called to the attention of the Examiner in connection with the above-identified patent application.

Subject to the Office's waiver of providing copies of U.S. patents and published applications for applications filed after June 30, 2003, only copies of the foreign patent and other document references are provided, since this application was filed on September 22, 2003, and therefore, subsequent to June 30, 2003. If additional copies of these references are desired, please contact the undersigned and they will be forwarded immediately.

Serial No. 10/667,877
Information Disclosure Statement
Dated April 13, 2004
Page 2 of 2

The Examiner is urged to consider the cited references and to make an independent decision with respect to their materiality.

To the best of Applicant's knowledge and belief, this Information Disclosure Statement is being filed prior to the receipt of a first Office Action on the Merits of this case, and therefore, no fees are believed to be due. However, if any charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

A handwritten signature in black ink, appearing to read "Kurt A. Summe", is written over a horizontal line.

Kurt A. Summe
Reg. No. 36,023

2700 Carew Tower
441 Vine Street
Cincinnati OH 45202
(513) 241-2324 Voice
(513) 241-6234 Facsimile



MELV/27US
Confirmation No. 1155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Boyd Melvin Art Unit: 3738
Serial No.: 10/667,877 Examiner: Unknown
Filed: September 22, 2003 Atty. Docket No.: MELV/27US
For: BASAL MOUNTING CUSHION FRAME COMPONENT TO FACILITATE
EXTRINSIC HEART WALL ACTUATION

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

Transmittal (in duplicate) containing Certificate of Mailing Under 37 CFR 1.8
Information Disclosure Statement
Substitute Form PTO-1449 (8 pages)
17 Foreign Patent References
7 Other Art References
Reply Postcard

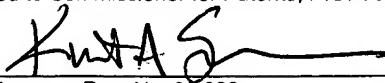
Please charge any additional fees or credit overpayment to Deposit Account No. 23-3000.
A duplicate of this sheet is enclosed.

WOOD, HERRON & EVANS, L.L.P. By:
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234


Kurt A. Summe Reg. No. 36,023

CERTIFICATE OF MAILING 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 13, 2004.


Kurt A. Summe Reg. No. 36,023

SUBSTITUTE FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MELV/27USSERIAL NO.
10/667,877INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
David Boyd MelvinConfirmation No.
1155

(Use several sheets if necessary)

FILING DATE
September 22, 2003GROUP
3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A.A	2	8	2	6	1	9	3	3/1958	Vineberg			
	A.B	3	0	5	3	2	4	9	9/1962	Smith			
	A.C	3	4	5	5	2	9	8	7/1969	Anstadt			
	A.D	3	5	1	3	8	3	6	5/1970	Sausse			
	A.E	3	5	9	0	8	1	5	7/1971	Schiff			
	A.F	3	6	1	3	6	7	2	10/1971	Schiff			
	A.G	3	6	6	8	7	0	8	6/1972	Tindal			
	A.H	3	7	1	3	4	3	9	1/1973	Cabezudo			
	A.I	3	7	9	1	3	8	8	2/1974	Hunter et al.			
	A.J	3	8	2	7	4	2	6	8/1974	Page et al.			
	A.K	3	9	8	3	8	6	3	10/1976	Janke et al.			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	A.L	EP 0,583,012	2/1988	EPO			
	A.M	EP 119,357	9/1984	EPO			
	A.N	SU 1191-076-A	11/1985	Soviet Union			NO
	A.O	WO 00/06026	2/2000	PCT			
	A.P	WO 00/06027	2/2000	PCT			
	A.Q	WO 00/06028	2/2000	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	A.R	Melvin, D.V.; Conkle, D.; Roberts, A; Stinson, E.; "Cardiac Performance and Myocardial Contractility After Experimental Mechanical Ventricular Assistance", J. Thoracic and Cardiovascular Surgery Vol. 65, No. 6, June 1973, (pages 876-881).
	A.S	Melvin, D.B., "Cardiovascular Surgery: Myocardial Preservation, Cardiorespiratory Support I.", American Heart Assoc. Abstract, Circulation Part II, Vol. 68, No. 4; Scientific Sessions for Nurses; 37th Ann. Meeting; Nov. 14-17, 1983, (1 page).
	A.T	Melvin, D.; Schima, H.; Losert, U.; Wolner, E., "Long-Term Ventricular Wall Actuation: Can and Should it be Systematically Explored?", Artificial Organs, Vol. 20, No. 1, 1996, (pages 63-68).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MELV/27USSERIAL NO.
10/667,877

APR 15 2004

INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
David Boyd MelvinConfirmation No.
1155

(Use several sheets if necessary)

FILING DATE
September 22, 2003GROUP
3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	B.A	4	1	9	2	2	9	3	3/1980	Asrican			
	B.B	4	5	3	6	8	9	3	8/1985	Parravicini			
	B.C	4	6	2	1	6	1	7	11/1986	Sharma			
	B.D	4	6	9	0	1	3	4	9/1987	Snyders			
	B.E	4	8	0	9	6	7	6	3/1989	Freeman			
	B.F	4	8	4	6	8	3	1	7/1989	Skillin			
	B.G	4	9	0	4	2	5	5	2/1990	Chaire et al.			
	B.H	4	9	3	6	8	5	7	6/1990	Kulik			
	B.I	4	9	5	7	4	7	7	9/1990	Lundback			
	B.J	5	1	0	9	8	4	3	5/1992	Melvin et al.			
	B.K	5	1	1	9	8	0	4	6/1992	Anstadt			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	B.L	WO 00/16700	3/2000	PCT			
	B.M	WO 00/47270	08/17/2000	PCT			
	B.N	WO 00/02500	1/2000	PCT			
	B.O	WO 01/95832	12/20/2001	PCT			
	B.P	WO 01/95831	12/20/2001	PCT			
	B.Q	WO 01/85061	11/15/2001	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	B.R	Melvin, D.B., et al., "A Physical Analog of the Failing Left Ventricle for In Vitro Studies of Mechanical Wall Actuation", Artificial Organs, Vol. 20, No. 3, 1996, (pages 227-239).
	B.S	Melvin, D.B. et al., "Reduction of Ventricular Wall Tensile Stress by Geometric Remodeling Device", ASAIO Journal (Abstract), Vol. 45, No. 2 pg. 166, March 17, 1999, (1 page).
	B.T	Melvin, D.B., "Device-Induced Ventricular Geometric Remodeling: Appraisal of Critical Issues", J. of Cardiac Surgery (Accepted for publication), Presented at the 3rd Symposium of the Soc. of Cardiac Volume Reduction, April 9, 2000 in Osaka, Japan, pages 34-39).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MELV/27USSERIAL NO.
10/667,877INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
David Boyd MelvinConfirmation No.
1155FILING DATE
September 22, 2003GROUP
3738

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	C.A	5	1	3	1	9	0	5	7/1992	Grooters			
	C.B	5	1	3	9	5	1	7	8/1992	Corral			
	C.C	5	1	6	9	3	8	1	12/1992	Snyders			
	C.D	5	1	9	2	3	1	4	3/1993	Daskalakis			
	C.E	5	2	0	1	8	8	0	4/1993	Wright et al.			
	C.F	5	2	5	6	1	3	2	10/1993	Snyders			
	C.G	5	2	5	8	0	2	1	11/1993	Duran			
	C.H	5	3	3	4	2	1	7	8/1994	Das			
	C.I	5	3	4	5	9	4	9	9/1994	Shlain			
	C.J	5	3	5	8	5	1	9	10/1994	Grandjean			
	C.K	5	3	7	0	6	8	5	12/1994	Stevens			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	C.L	WO 01/95830	12/20/2001	PCT			
	C.M	WO 01/28455	4/2001	PCT			
	C.N	WO 98/29041	7/1998	PCT			
	C.O	WO 99/53977	10/1999	PCT			
	C.P	WO 99/30647	6/1999	PCT			
	C.Q						

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	C.R	International Search Report for PCT/US03/30302, dated March 24, 2004, (4 pages).
	C.S	
	C.T	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered.
Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MELV/27USSERIAL NO.
10/667,877INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
David Boyd MelvinConfirmation No.
1155

(Use several sheets if necessary)

FILING DATE
September 22, 2003GROUP
3738

(37 CFR 1.98(b))

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	D.A	5	3	8	3	8	4	0	1/1995	Heilman et al.			
	D.B	5	3	8	5	5	2	8	1/1995	Wilk			
	D.C	5	4	8	4	3	9	1	1/1996	Buckman, Jr. et al.			
	D.D	5	4	8	7	7	6	0	1/1996	Villafana			
	D.E	5	5	3	3	9	5	8	7/1996	Wilk			
	D.F	5	5	7	1	1	7	6	11/1996	Taheri			
	D.G	5	5	8	1	1	7	6	12/1996	Lee			
	D.H	5	5	9	3	4	2	4	1/1997	Northrup, III			
	D.I	5	6	5	5	5	4	8	8/1997	Nelson et al.			
	D.J	5	7	0	2	3	4	3	12/1997	Alferness			
	D.K	5	7	0	9	6	9	5	1/1998	Northrup, III			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	D.L						
	D.M						
	D.N						
	D.O						
	D.P						
	D.Q						

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	D.R	
	D.S	
	D.T	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449

(MODIFIED)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MELV/27USSERIAL NO.
10/667,877

APR 15 2004

INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
David Boyd MelvinConfirmation No.
1155

(Use several sheets if necessary)

FILING DATE
September 22, 2003GROUP
3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	E.A	5	7	1	3	9	5	4	2/1998	Rosenberg et al.			
	E.B	5	7	2	7	5	6	9	3/1998	Benetti et al.			
	E.C	5	7	3	8	6	2	6	4/1998	Jarvik			
	E.D	5	7	3	8	6	2	7	4/1998	Kovacs et al.			
	E.E	5	7	4	9	8	8	3	5/1998	Halpern			
	E.F	5	8	0	0	5	2	8	9/1998	Lederman et al.			
	E.G	5	8	2	4	0	7	1	10/1998	Nelson et al.			
	E.H	5	9	1	0	1	2	4	6/1999	Rubin			
	E.I	5	9	5	7	9	7	7	9/1999	Melvin			
	E.J	5	9	6	1	4	4	0	10/1999	Schweich, Jr. et al.			
	E.K	6	0	1	9	7	2	2	2/2000	Spence et al.			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	E.L						
	E.M						
	E.N						
	E.O						
	E.P						
	E.Q						

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	E.R	
	E.S	
	E.T	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered.
Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449 (MODIFIED) <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block; transform: rotate(-45deg); transform-origin: center;"> APR 15 2004 OFFICE OF PATENT & TRADEMARK </div>		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. MELV/27US		SERIAL NO. 10/667,877	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				APPLICANT David Boyd Melvin		Confirmation No. 1155	
				FILING DATE September 22, 2003		GROUP 3738	

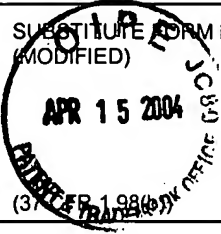
U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	F.A	6	0	4	5	4	9	7	4/2000	Schweich, Jr. et al.			
	F.B	6	0	5	0	9	3	6	4/2000	Schweich, Jr. et al.			
	F.C	6	0	5	9	7	1	5	5/2000	Schweich, Jr. et al.			
	F.D	6	0	7	7	2	1	4	6/2000	Mortier et al.			
	F.E	6	0	8	5	7	5	4	6/2000	Alferness et al.			
	F.F	6	1	1	0	1	0	0	8/2000	Talpade			
	F.G	6	1	2	3	6	6	2	9/2000	Alferness et al.			
	F.H	6	1	2	5	8	5	2	10/2000	Stevens et al.			
	F.I	6	1	6	2	1	6	8	12/2000	Schweich, Jr. et al.			
	F.J	6	1	6	5	1	1	9	12/2000	Schweich, Jr. et al.			
	F.K	6	1	6	5	1	2	0	12/2000	Schweich, Jr. et al.			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS							
	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)	
	F.L						
	F.M						
	F.N						
	F.O						
	F.P						
	F.Q						

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)	
	F.R
	F.S
	F.T

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. MELV/27US		SERIAL NO. 10/667,877	
<div style="text-align: center;">  </div>		INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT David Boyd Melvin		Confirmation No. 1155	
		(Use several sheets if necessary)		FILING DATE September 22, 2003		GROUP 3738	

U.S. PATENT DOCUMENTS													
EXAMINER INITIAL	PATENT NUMBER	PATENT NUMBER	PATENT NUMBER	PATENT NUMBER	PATENT NUMBER	PATENT NUMBER	PATENT NUMBER	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	G.A	6	1	7	9	7	9	1	1/2001	Krueger			
	G.B	6	1	8	3	4	1	1	2/2001	Mortier et al.			
	G.C	6	2	6	0	5	5	2	7/2001	Mortier et al.			
	G.D	6	2	6	1	2	2	2	7/2001	Schweich, Jr. et al.			
	G.E	6	2	6	4	6	0	2	7/2001	Mortier et al.			
	G.F	6	2	9	3	9	0	6	9/25/2001	Vanden Hoek et al.			
	G.G	6	3	1	9	2	3	1	11/20/2001	Andrulitis			
	G.H	6	3	2	4	4	3	0	11/27/2001	Zarinetchi et al.			
	G.I	6	3	2	4	4	3	1	11/27/2001	Zarinetchi et al.			
	G.J	6	3	3	2	8	6	3	12/25/2001	Schweich, Jr. et al.			
	G.K	6	3	3	2	8	6	4	12/25/2001	Schweich, Jr. et al.			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS							
DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)		
G.L							
G.M							
G.N							
G.O							
G.P							
G.Q							

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)	
G.R	
G.S	
G.T	

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
MELV/27USSERIAL NO.
10/667,877INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
David Boyd MelvinConfirmation No.
1155

(Use several sheets if necessary)

FILING DATE
September 22, 2003GROUP
3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	H.A	6	3	3	2	8	9	3	12/25/2001	Mortier et al.			
	H.B	6	4	0	2	6	8	0	6/11/2002	Mortier et al.			
	H.C	6	5	7	9	2	2	6	6/17/2003	Vanden Hoek et al.			
	H.D	6	5	9	2	6	1	9	7/15/2003	Melvin			
	H.E												
	H.F												
	H.G												
	H.H												
	H.I												
	H.J												
	H.K												

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	H.L						
	H.M						
	H.N						
	H.O						
	H.P						
	H.Q						

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	H.R	
	H.S	
	H.T	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.